



**Re: Fw: Ficosa North America, Land Disposal Restrictions Notification Form**



Diane Sharrow to: carol.poling

05/04/2012 06:51 AM

Bcc: Diane Sharrow

This message is digitally signed.

From: Diane Sharrow/R5/USEPA/US

To: carol.poling@ficosa.com

Bcc: Diane Sharrow/R5/USEPA/US

Good Morning -

I think the best solution is that the FICOSA highlight and initial / sign by the statement on the LDR: "Waste Restricted: Does Not Meet Treatment Standards".

I would prefer that this statement be in the "certification or statement area" where William Adkins "signed" (as instructed by Chemical Solvents?) as this appears to be the notification that is accompanying the hazardous waste.

Thank you,

Diane M. Sharrow  
Environmental Scientist/Senior Inspector  
USEPA, Region 5, Land and Chemicals Division  
RCRA Branch, Compliance Section 1  
Mail Code LR-8J  
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Sharrow.Diane@epa.gov

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carol.poling

I'm in the middle, and not sure what I need to do,...

05/04/2012 06:04:59 AM

From: carol.poling@ficosa.com  
To: Diane Sharrow/R5/USEPA/US@EPA

Date: 05/04/2012 06:04 AM  
Subject: Fw: Ficosa North America, Land Disposal Restrictions Notification Form

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I'm in the middle, and not sure what I need to do, Chemical Solvents response to land ban statement below.

Thanks,

Carol Poling

Ficosa North America  
917 Liechty Road  
Berne, IN 46711

(260) 589-7206

New E-Mail Address: carol.poling@ficosa.com

----- Forwarded by Carol Poling/BRNE/MIRR/FICOSA on 05/03/2012 04:07 PM -----

From: jmladineo@chemicalsolvents.com  
To: carol.poling@ficosa.com  
Cc: rob.chappuis@gmail.com  
Date: 05/03/2012 03:34 PM  
Subject: RE: Ficosa North America, Land Disposal Restrictions Notification Form

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Dear Carol.

Here are my responses:

1. LDR Version 3 is just our 3<sup>rd</sup> revision of our LDR form. It has nothing to do with regulations, just revision tracking.
2. The two statements being referred to in 268.7a(2) do not apply to Ficosa as I see it. The first statement that is mentioned in this section is for *Generators who are choosing to not make the determination of whether their waste must be treated*. Then the LDR must state "This hazardous waste may or may not be subject to the LDR treatment standards. The treatment facility must make the determination." The LDR plainly states 'Waste Restricted: Does Not Meet Treatment Standards. So Ficosa is not choosing not to make a determination by using this LDR.
3. The second statement mentioned in 268.7a(2) is in the Generator Paperwork Requirements Table. It is item 8 that is for *contaminated soil* in which case the LDR must include this statement: "This contaminated soil [does/does not] contain listed hazardous waste and [does/does not] exhibit a characteristic of hazardous waste and [is subject

to/complies with] the soil treatment standards as provided by § 268.49( c) or the universal treatment standards."

4. The statement being referred to in 268.7a(3) does not apply to Ficosa. This is for waste that is being *certified* that it meets the treatment standard *at the original point of generation*. The certification statement require in that circumstance is "I certify under penalty of law that I personally have examined and am familiar with the waste through analysis and testing or through knowledge of the waste to support this certification that the waste complies with the treatment standards specified in 40 CFR part 268 subpart D. I believe that the information I submitted is true, accurate, and complete. I am aware that there are significant penalties for submitting false certification, including the possibility of a fine and imprisonment." Ficosa is not claiming their waste already meets treatment standards.

5. If the statement they are asking for on the LDR is the part in the email below in bold that begins with (D) that would not apply to Ficosa as 40 CFR 268.7(b) is for Treatment Facilities.

I hope this helps your cause, as I do not see based on what was provided where Indiana requires something other than what is on the LDR already.

Jennifer

---

**From:** carol.poling@ficosa.com [<mailto:carol.poling@ficosa.com>]  
**Sent:** Tuesday, May 01, 2012 7:10 AM  
**To:** Jennifer Mladineo  
**Subject:** Fw: Ficosa North America, Land Disposal Restrictions Notification Form

Jennifer,

Take a look at the information at the bottom of the e-mail. Is version 3 the latest land ban form?

Thanks,

Carol Poling

Ficosa North America  
917 Liechty Road  
Berne, IN 46711

(260) 589-7206

New E-Mail Address: [carol.poling@ficosa.com](mailto:carol.poling@ficosa.com)

----- Forwarded by Carol Poling/BRNE/MIRR/FICOSA on 05/01/2012 07:07 AM -----

From: Sharrow.Diane@epamail.epa.gov  
To: [carol.poling@ficosa.com](mailto:carol.poling@ficosa.com)

Cc: sasgari@IDEM.IN.gov  
Date: 04/30/2012 03:56 PM  
Subject: Re: Ficosa North America, Land Disposal Restrictions Notification Form

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Ms. Poling,

I think that the TSDF is correct about it being a one-time notification and since the waste stream has not changed, a newer notification is not necessary.

However, the statement or certification at the bottom of the form does not match either the statement that is required by 40 CFR 268.7(a)(2), nor the certification that is required by 40 CFR 268.7(a)(3).

Based on what information you have presented, I think FICOSA needs to include the statement in 40 CFR 268.7(a)(2).

I notice that at the bottom of the form it indicates LDR Version 3 - is this a form supplied by Chemical Solvents, Inc.?

What other versions do they have - and would of those contain the statement FICOSA needs?

The form may be acceptable under Ohio regulations for Chemical Solvents as they are located in Ohio, but it is not quite correct for FICOSA to meet Indiana regulations?

FICOSA will need to insert a specific statement to match 40 CFR 268.7(a)(2) for Indiana.

I checked Indiana's regulatory equivalent to 490 CFR 268.7 (see below) and it is the equivalent of U.S. EPA's 40 CFR 268.7.

**Rule 12. Land Disposal Restrictions**

**329 IAC 3.1-12-1 Adoption of federal land disposal restrictions**

Authority: IC 13-7

Affected: 40 CFR 268

Sec. 1. Except as provided otherwise in section 2 of this rule, 40 CFR 268 is hereby incorporated by reference.

*(Solid Waste*

*Management Board; 329 IAC 3.1-12-1; filed Jan 24, 1992, 2:00 p.m.: 15 IR 939; filed May 6, 1994, 5:00 p.m.: 17 IR 2065;*

*readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535)*

**329 IAC 3.1-12-2 Exceptions and additions; land disposal restrictions**

Authority: IC 13-14-8; IC 13-22-2-4

Affected: IC 13-11-2-155; IC 13-22-2; 40 CFR 268

Sec. 2. Exceptions and additions to land disposal restrictions are as follows:

(1) Primacy for granting exemptions from land disposal restrictions incorporated in this rule are retained as federal authorities

and must be granted by the administrator of the EPA. Exemptions for which federal primacy is retained are described

as

follows:

- (A) Case-by-case extensions to federal effective dates pursuant to 40 CFR 268.5.
- (B) Petitions to allow land disposal of a waste prohibited under 40 CFR 268, Subpart C, pursuant to 40 CFR 268.6.
- (C) Approval of alternate treatment methods pursuant to 40 CFR 268.42(b).
- (D) Exemption from a treatment standard pursuant to 40 CFR 268.44.
- (2) For the reason described in subdivision (1), delete the following:
  - (A) 40 CFR 268.5.
  - (B) 40 CFR 268.6.
  - (C) 40 CFR 268.42(b).
  - (D) 40 CFR 268.44.
- (3) Any person requesting an exemption described in subdivision (1) must comply with 329 IAC 3.1-5-6.
- (4) Delete 40 CFR 268.1(e)(3) and substitute the following: Hazardous wastes which are not identified or listed in 40 CFR 268, Subpart C or Subpart D, as incorporated in this rule.
- (5) Delete 40 CFR 268.2(e) and substitute the following: Polychlorinated biphenyls or PCBs have the meaning set forth in IC 13-11-2-155.
- (6) Delete 40 CFR 268.9(d) and substitute the following: Wastes that exhibit a characteristic are also subject to the requirements of 40 CFR 268.7, except that once the waste is no longer hazardous, a one (1) time notification and certification must be placed in the generator's or treater's files and sent to the commissioner. The notification must include the following information:
  - (A) The name and address of the solid waste facility receiving the waste shipment.
  - (B) A description of the waste as initially generated, including the applicable EPA hazardous waste number.
  - (C) The treatment standards applicable to the waste at the initial point of generation.
  - (D) The certification must be signed by an authorized representative and must state the language found in 40 CFR 268.7(b)(4).**
- The notification and certification that is placed in the generator's or treater's files must be updated if the process or operation generating the waste changes or if the facility receiving the waste changes.**
- (7) Delete 40 CFR 268, Subpart B.
- (8) In 40 CFR 268, Subpart C, all references to effective dates which precede the effective date of this rule shall be replaced  
HAZARDOUS WASTE MANAGEMENT PERMIT PROGRAM AND RELATED HAZARDOUS WASTE MANAGEMENT  
Indiana Administrative Code Page 42  
with the effective date of this rule.
- (9) Delete 40 CFR 268.33.  
*(Solid Waste Management Board; 329 IAC 3.1-12-2; filed Jan 24, 1992, 2:00 p.m.: 15 IR 939; filed Jul 18, 1996, 3:05 p.m.: 19 IR 3358; filed Aug 7, 1996, 5:00 p.m.: 19 IR 3366; filed Mar 6, 2000, 8:02 a.m.: 23 IR 1639; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; filed Apr 5, 2001, 1:29 p.m.: 24 IR 2435; errata filed May 8, 2003, 9:40 a.m.: 26 IR 3046; filed Apr 13, 2005, 11:30 a.m.: 28 IR 2665)*

Thank you,

Diane M. Sharrow  
Environmental Scientist/Senior Inspector  
USEPA, Region 5, Land and Chemicals Division

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Mail Code LR-8J  
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carol.poling---04/30/2012 02:00:42 PM---Willie Adkins is a Ficosa plant employee. He was the person that we checked his DOT and Lg Quantit

From: carol.poling@ficosa.com  
To: Diane Sharrow/R5/USEPA/US@EPA  
Date: 04/30/2012 02:00 PM  
Subject: Re: Ficosa North America, Land Disposal Restrictions Notification Form

---

Willie Adkins is a Ficosa plant employee. He was the person that we checked his DOT and Lg Quantity Generator Training.

Thanks,

Carol Poling

Ficosa North America  
917 Liechty Road  
Berne, IN 46711

(260) 589-7206

New E-Mail Address: carol.poling@ficosa.com

From: Sharrow.Diane@epamail.epa.gov  
To: carol.poling@ficosa.com  
Cc: amy.tumbleson@ficosa.com, bboyce@ficosa.com, sasgari@idem.IN.gov  
Date: 04/30/2012 02:56 PM  
Subject: Re: Ficosa North America, Land Disposal Restrictions Notification Form

---

Ms. Poling,

I received your e-mail message and attachments. I am reviewing the requirements in 40 CFR 268.7.

Can you tell me if William Adkins works for FICOSA or for Camryn Industries or Chemical Solvents?

Thank you,

Diane M. Sharrow  
Environmental Scientist/Senior Inspector  
USEPA, Region 5, Land and Chemicals Division  
RCRA Branch, Compliance Section 1  
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 carol.poling---04/27/2012 01:11:35 PM---Diane, We have relied on our TSDF to generate the notification forms. If I

From: carol.poling@ficsa.com  
To: Diane Sharrow/R5/USEPA/US@EPA  
Cc: sasgari@idem.IN.gov, amy.tumbleson@ficsa.com, bboyce@ficsa.com  
Date: 04/27/2012 01:11 PM  
Subject: Ficsa North America, Land Disposal Restrictions Notification Form

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Diane,

We have relied on our TSDF to generate the notification forms. If I understand the TSDF correctly, there is the initial signed form and this is updated when the waste changes. The last time our waste stream changed was September of 2010, manifest and land ban attached below.

Is this correct? If not, could you please help with the appropriate regulation?

Carol Poling

Ficsa North America  
917 Liechty Road  
Berne, IN 46711

(260) 589-7206

New E-Mail Address: carol.poling@ficsa.com

*(See attached file: S45C-512042712460.pdf)[attachment "S45C-512042712460.pdf" deleted by Carol Poling/BRNE/MIRR/FICOSA]*